IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.620/2003

Smt. Conceicao Rodrigues,
aged aabouit 75 years,
Domestic affairs, r/o. Tivai Vaddo,
Calangute, Bardez, Goa. .... Petitioner.

V/s.

1. Village Panchayat of
Calangute, represented by its
(a) Secretary, (b) Chairman/
Sarpanch, having Office at
Calangute, Bardez, Goa.

2. Shri Diago Silveira,
r/o. H.No.E3/111, Tivaiwaddo,
Calangute, Bardez, Goa.

3. The Director,
Directorate of Panchayats,
Government of Goa, having
Office at 3rd Floor, 3rd Lift,
Junta House, Panaji, Goa. .... Respondents.

Mr. N.Sardessai, Advocate for the petitioner.

Mr. P.A. Kamat, Advocate for respondent No.1.

Mr. E. Dias do Rosario, Advocate for respondent No.2.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Govt. Advocate for respondent No.3.

CORAM : N.N. MHATRE, J.

DATE : JANUARY 22, 2004.

P.C.

By the impugned order, the Director of Panchayats, the third respondent herein has held that the Petitioner ought to have been heard by the Village Panchayat of Calangute. However, respondent No.3 was

of the view that instead of remanding the matter back to the Panchayat, it should be remanded to the Deputy Director of Panchayats to assume the powers of the Village Panchayat under Section 66(5) of the Goa Panchayat Raj Act, 1994 and to take steps as may be necessary after holding inquiry, after giving opportunity to the appellant therein. Certain observations have been made by the Director of Panchayats on merits although he has found that the petitioner was not heard by the Village Panchayat. In these circumstances, the impugned order is set aside. The matter is remanded back to the Village Panchayat of Calangute. The Panchayat will hear the petitioner and the respondent No.2 and decide the matter in accordance with law. The Village Panchayat of Calangute to give its findings within three months from today. Obviously any observations made in the impugned order shall not prejudice the case of the petitioner before the Panchayat. The Panchayat will take its decision uninfluenced by the observations made in the impugned order. Petition is accordingly disposed of.

NISHITA MHATRE, J.

ssm.